

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDWIN FORD, III,

Petitioner,

Case Number: 5:09-CV-10840

v.

HON. JOHN CORBETT O'MEARA

NICK LUDWICK,

Respondent.

**ORDER CONSTRUING MOTION FOR CERTIFICATE
OF APPEALABILITY AS MOTION FOR RECONSIDERATION,
AND DENYING RECONSIDERATION**

This matter is before the Court on Petitioner Edwin Ford, III's Motion for Certificate of Appealability. Petitioner filed a petition for a writ of habeas corpus relief challenging his conviction for first-degree premeditated murder. (ECF No. 1). The Court denied the petition for a writ of habeas corpus and denied a certificate of appealability. (ECF No. 8). Because the Court has already issued a ruling on the certificate of appealability, the Court construes the Motion for Certificate of Appealability as a motion for reconsideration.

Motions for reconsideration may be granted when the moving party shows (1) a "palpable defect," (2) by which the court and the parties were misled, and (3) the correction of which will result in a different disposition of the case. E.D. Mich. L.R. 7.1(h)(3). A "palpable defect" is a "defect which is obvious, clear, unmistakable, manifest or plain." *Olson v. The Home Depot*, 321 F. Supp. 2d 872, 874 (E.D. Mich.

2004).

The Court denied a certificate of appealability (COA) because reasonable jurists could not “debate whether (or, for that matter, agree that)” this claim “should have been resolved in a different manner.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citation omitted). Petitioner’s motion simply reasserts arguments advanced in his petition and, therefore, fails to allege sufficient grounds upon which to grant reconsideration. *See* L.R. 7.1(h)(3) (“[T]he Court will not grant motions for rehearing or reconsideration that merely present the same issues relied upon by the Court, either expressly or by reasonable implication.”).

Accordingly, the Court DENIES Petitioner’s “Motion for Certificate of Appealability” (ECF No. 13), which the Court has construed as a “Motion for Reconsideration.”

SO ORDERED.

s/John Corbett O’Meara
United States District Judge

Date: January 24, 2018

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 24, 2018, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager